

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2009

Charles R. Fulbruge III
Clerk

No. 08-40527

Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

NICHOLAS ELLIOTT ALANIZ

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:07-CR-181-1

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Nicholas Elliott Alaniz appeals his guilty plea conviction and sentence for escape, pursuant to 18 U.S.C. § 751(a). Alaniz argues that the district court erred in denying him a three-level reduction in his guidelines offense level for acceptance of responsibility at sentencing. *See* U.S.S.G. § 3E1.1.

At the sentencing hearing, Alaniz at first raised the issue of the denial of the reduction to his offense level but then withdrew the objection. The district

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

court specifically confirmed with Alaniz's counsel and with Alaniz that Alaniz was withdrawing the objection. Counsel stated that he had "[n]o objection" to the lack of the three-level reduction. Likewise, Alaniz answered, "Yes, Your Honor," when the district court asked him if he wanted to withdraw his objection "to losing acceptance."

Alaniz's unambiguous and intentional withdrawal of his objection constitutes a waiver of the objection. *See United States v. Dodson*, 288 F.3d 153, 160 (5th Cir. 2002); *United States v. Musquiz*, 45 F.3d 927, 931 (5th Cir. 1995). "Waived errors are entirely unreviewable" *Musquiz*, 45 F.3d at 931. Because the only issue Alaniz raises on appeal is unreviewable, his conviction and sentence are AFFIRMED.